

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

EDITH MAE MAY,

Plaintiff,

v.

Case No. 21-cv-0905-bhl

JENNIFER MCDERMOTT, et al.,

Defendants.

DECISION AND ORDER

Plaintiff Edith Mae May is a prisoner confined at the Taycheedah Correctional Institution who is representing herself in this 42 U.S.C. §1983 case. On August 2, 2021, along with her complaint, May filed a motion for leave to proceed without prepaying the filing fee. Dkt. No. 2. The Prison Litigation Reform Act applies to this case because May was incarcerated when she filed her complaint. That statute allows prisoners to proceed without prepaying the full filing fee if, when they have assets or means, they first pay an initial partial filing fee, which is calculated using a formula in the statute. 28 U.S.C. §1915(b). On September 7, 2021, the Court ordered May to pay an initial partial filing fee of \$58.31 within thirty days or advise the Court in writing why she was unable to submit the assessed amount. Dkt. No. 8. The deadline has passed, and the Court has not received the fee nor has May informed the Court of any challenges she faced in arranging submission of the fee.

IT IS THEREFORE ORDERED that May's motion for leave to proceed without prepaying the filing fee (Dkt. No. 2) is **DENIED** based on her failure to pay the initial partial filing fee, and this case is **DISMISSED without prejudice** based on her failure to pay the filing fee.

IT IS FURTHER ORDERED that, pursuant to 28 U.S.C. §1915(b)(1), May must pay the \$350 statutory filing fee. Accordingly, the agency having custody of May shall collect from her institution trust account the \$350 statutory filing fee by collecting monthly payments from her prison trust account in an amount equal to 20% of the preceding month's income credited to the prisoner's trust account and forwarding payments to the Clerk of Court each time the amount in the account exceeds \$10 in accordance with 28 U.S.C. §1915(b)(2). The payments shall be clearly identified by the case name and number assigned to this action. If May is transferred to another institution, the transferring institution shall forward a copy of this Order along with May's remaining balance to the receiving institution.

IT IS FURTHER ORDERED that copies of this order be sent to the officer in charge of the agency where May is located.

Dated at Milwaukee, Wisconsin this 18 day of October, 2021.

BY THE COURT:

s/ Brett H. Ludwig
BRETT H. LUDWIG
United States District Judge